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# TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

 ATTORNEY'S DOCKET NUMBER  
2388.0010000/SRL/BLS

 U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/533,300

 INTERNATIONAL APPLICATION NO.  
PCT/EP2003/011799

 INTERNATIONAL FILING DATE  
24 October 2003 (24.10.2003)

 PRIORITY DATE CLAIMED  
31 October 2002 (31.10.2002)

 TITLE OF INVENTION  
See 1 in Addendum

APPLICANT(S) FOR DO/EO/US

Wolfgang MEDER; Martin WENDLAND; Harald JOHN; Rudolf RICHTER; Markus MEYER; and Wolf-Goerg FORSMANN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/533,300</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/011799</b>	ATTORNEY'S DOCKET NUMBER <b>2388.0010000/SRL/BLS</b>	
20. Other items or information: a. Claim For Priority Under 35 U.S.C. § 119(a)-(d) In Utility Application; b. Certified copy of priority German Patent Application No. 102 51 205.1; and c. Return postcard.			
The following fees have been submitted		<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> All other situations..... <b>\$200</b>		\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b> All other situations..... <b>\$500</b>		\$	
<b>TOTAL OF 21, 22 and 23 =</b>			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	/50 =		x <b>\$250</b>
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		x <b>\$ 50</b>
Independent claims	- 3 =		x <b>\$ 200</b>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ <b>\$360</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.			
<b>SUBTOTAL =</b>		\$	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		+	
<b>TOTAL NATIONAL FEE =</b>		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		+	
<b>TOTAL FEES ENCLOSED =</b>		\$	
		Amount to be refunded:	\$
		Amount to be charged	\$



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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111  
Sterne, Kessler, Goldstein & Fox P.L.L.C.

 By No. 30,203  
SIGNATURE  
 Bryan L. Skelton  
NAME  
50,893  
REGISTRATION NUMBER

## **Addendum**

1. **Human Chondroosteomodulin (TIG2), Production, and Use for the Treatment or Diagnosis of Bone Diseases, Cartilage Diseases, Obesity, Inflammatory Diseases, and Skin Diseases**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MEDER *et al.*

Appl. No.: (U.S. National Phase of  
PCT/EP2003/011799; U.S.  
Appl. No. 10/533,300)

Int'l Filing Date: October 24, 2003

For: **Human Chondrosteomodulin  
(TIG2), Production, and Use for the  
Treatment or Diagnosis of Bone  
Diseases, Cartilage Diseases, Obesity,  
Inflammatory Diseases, and Skin  
Diseases**

Confirmation No.: (to be assigned)

Art Unit: (to be assigned)

Examiner: (to be assigned)

Atty. Docket: 2388.0010000/SRL/BLS

**Claim For Priority Under 35 U.S.C. § 119(a)-(d)  
In Utility Application**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

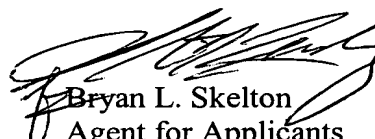
Priority under 35 U.S.C. § 119(a)-(d) is hereby claimed to the following priority document, filed in a foreign country within twelve (12) months prior to the filing of the above-referenced United States utility patent application:

Country	Priority Document Appl. No	Filing Date
Germany	102 51 205.1	October 31, 2002

A certified copy of the priority document is submitted herewith. Prompt acknowledgment of this claim and submission is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

 *Rg N. 36, 203*  
Bryan L. Skelton  
Agent for Applicants  
Registration No. 50,893

Date: August 29, 2005

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